Tambutia

JOHNSTON, Editor

WHOM THE TRUTH MAKES FREE AND ALL ARE SL

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resident's Message.

Chiens of the Senate and House of

sentinued disorganization of the which the President has so often he attention of Congress, is yet a forofound political concern. We wever, find some relief from that in the reflection that this painful situation, although before untried slees, is not new in the experience Pelitical science, perhaps as perfected in our own time and as in any other, has not yet disov means by which civil wars can stely prevented. An enlightened however, with a wise and benefistitution of free government, may their frequency and mitigate their by directing all its proceedings in with its fundamental law. vil war has been brought to a is manifestly the first interest and the State to repair the injuries he war has inflicted, and to secure off tof the lessons it teaches as fully odily as possible. This duty was, the termination of the rebellion, dy accepted, not only by the Exe-

Department, but by the insurrec-States themselves; and restoration first moments of peace was believed as easy and certain as it was indis-Expectations however, then so ably and confidently entertained, isappointed by legislation from felt constrained by my obligations Constitution to withhold my assent, in complying with the obligation impon the President by the Constiment, satisfactory to the American of questions which, since the close on, as our fathers understood the and as they meant it to be underby us. The Union which they esed, can exist only where all the is are represented in both Houses of res, and where one State is as free other to regulate its internal concerns, ding to its own will, and whore the every section; and that such is not the esent state of the Union, it is a melansould be the greatest temporal blessing could bestow upon this nation. It becomes ur imperative duty to consider whether r not it is impossible to effect this most

e Constitution will be followed by other ful exercise of their highest function. If and still greater calamities. It was or- they were not States, or were States out lained not only to form a more perfect of the Union, their consent to a change in Union between the States, but to establish or the common defense, promote the genral welfare, and secure the blessings of iberty to ourselves and our posterity.-Nothing but implicit obedience to its reecomplish these great ends, and without o continued outrages upon individual ights and incessant breaches of the public beace, national weakness, financial dishonor, total loss of our prosperity, general corruption of our morals, and the final exinction of popular freedom. To save our puntry from evils so appalling as these we hould renew our efforts again and again.

esirable consummation. The Union and

he is obeyed by all parties, the other will

bust perish together. The destruction of

which can prevent obedience to the Conghts and all obligations of States and iny means perfectly consistent with funda-

by convictions without reserve, though ing of that good faith which holds the with becoming deference to the opinion of moral world together. Our country would 1861, Congress declared by an almost not only a failure, but a fraud.

Constitution and laws without impairing the dignity and equality and rights of States or individuals, and that when this was done the war should cease. I do not say that this declaration is personally binding on those who joined in making it, any more than individual members of Congress are personally bound to pay a public debt created under a law for which they voted; but it was a solemn public official pledge of national bonor. I cannot imagine upon what grounds repudiation of it is to be justified. If it be said that we are not bound to keep faith with rebels, let it be understood that this pledge was not made to rebels only; thousands of true men in the South were drawn to our standard by it, and hundreds of

thousands in the North gave their lives, in the belief that it would be carried out. It was made on the day after the first great battle of the war had been fought and lost, All patriotic and intelligent men then saw the necessity of giving such an assurance, and believed that without it the war would end in disaster to our cause. Having given that assurance in our extremity and peril, a violation of it now in the which does not belong to them unless those States are States of the Union. If the Southern States are component parts of the Union, the Constitution is supreme law for them as well as for all other States. They are bound to obey it, and so are we. The right of the Federal Government, which is clear and unquestionable, to en-

force the Constitution upon them implies corelative obligations on our part to observe its limitations and execute its guarantees therefore, a source of profound regret | Without the Constitution we are nothing. By, through and under the Constitution we are what it makes us. We may doubt to give to Congress, from time to the wisdom of law, we may not approve nable to communicate any definite merely because it seems to confine our powers within limits narrower than we could wish. It is not a question of inrebellion, have agitated the public dividual or class or sectional interest, much On the contrary, candor compels less of party forbearance, but of duty, declare, that all this time there is high and sacred duty, which we are all sworn to perform. If we cannot support the Constitution with the cheerful alacrity of those who love and believe in it, we must give to it at least the fidelity of public servants who act under solemn obligations and commands which they dare not disregard. Constitutional duty is not only one which requires Stotes to be restored, but there is another consideration which, though of minor importance, is yet consent of the Executive, do anything which would have the effect, directly or indirectly, of separating the States from each other. To dissolve the Union, is to repeal the Constitution which holds it together, and that is a power which does not belong to any department of this Government or to all of them united. This is so plain that it has been acknowledged by all branches of the Federal Government. My predecessor, as well as myself and the heads of all the departments, have uniformly acted upon the principle that the

Union is not only undissolved but indis-

soluble. Congress submitted an amend-

men; of the Constitution to be ratified by

acts of ratification as a necessary and law-

e preserved, and if one is destroyed, both the Southern States, and accepted their

the fundamental law of the Union would ing it, committed a political absurdity. The Judiciary has also given the solemn sanction of its authority to the same view of the case. The Judges of the Supreme huirements in all parts of the country will | Court have included the Southern States in their circles, and they are constantly in hat obedience we can look forward only banc and elsewhere exercising jurisdiction victions were not only unchanged, but strengthened by subsequent events, and further reflections upon the transcendent | they live in States, Territories or districts. importance of the subject will be a sufficient excuse for calling your attention to some of the reasons which have so strongly influenced my own judgment. I hope that we may all finally concur in a mode of settlement, consistent at once with our ems perfectly plain and simple. It con- true interests and with our sworn duties sts merely in a faithful application of to the Constitution. It is too natural and he Constitution and laws, and as the exe- too just to be easily relinquished. It is

clear to my apprehension that the States ution of the laws is not now obstructed or posed by physical force, there is no mil- lately in rebellion are still members of the lary or other necessity, real or pretended, National Union. When did they cease to be so? Ordinances of secession adopted stitution, either North or South. All by a portion-in most of them a very small portion of their citizens-were mere Widuals can be protected and enforced nullities. If we admit now that they were valid and effectual for the purposes of Congress confound them all together in mental law. Courts may be everywhere intended by their authors, we sweep from pen, and if open, their process would be under our feet the whole ground upon aimpeded, and crimes against the United which we justified the war. Were these

ates can be prevented or punished by States afterwards expelled from the Union per judicial authorities in a manner en- by the war? Directly the contrary was the Government to which they owed obeely practicable and legal. There is, averred by this Government to be its pur- dience, was common in the barbarous ages fore, no reason why the Constitution pose, and was so understood by all those of the world. But Christianity and civiland not be obeyed, unless those who who gave their blood and treasure to aid ization have made such progress that reise its powers have determined that in its prosecution. It cannot be that a hall be disregarded and violated as the successful war, waged for the preservation naked will of this Government, or of of the Union, had the legal effect of disone one or more of its branches. Is there solving it. The victory of the nation's The punitive justice of this age, and esy obstacle that can exist to perfect the arms was not a disgrace of her policy. on of all the States? On the momen- The defeat of secession on the battle-field question, and some of the measures was not a triumph of its lawless principle, growing out of it, I had the misfortnne to nor could Congress, with or without the differ from Congress, and have expressed day of our power would be a rude rend-

the Legislative Department. Those congreat weight. On the 22d of July, dence of men. It would make the war unanimous vote of both Houses that the Being sincerely convinced that these war should be conducted solely for the views are correct, I would be unfaithful by reflecting that a free Constitution, triand marked the Union and marked to my duty if I did not recommend the marked in war and unbroken in peace, arged upon your attention the great danger

taining the supremacy of the Federal repeal of those Acts of Congress which is worth far more to us and our children to be apprehended from an untimely exten- of holding in subjection the white people of cies of corruption has increased, is increasing, to dismiss Judgee and other civil funcand operate all political machinery of according to the mere will of strange and irresponsible agents sent among them for that purpose. These are powers not granted to the Federal Government or to any one of its branches, and not being granted, we violate our trust by assuming them as palpably as we would by acting in the face o! a positive interdict, for the Constitution forbids us to do whatever it does not affirmatively authorize, either by express words or by clear implication. If the authority we desire to use does not come Constitution. The Constitution commands form as well as the substance of republican government in the ten States to which any other now known among civilized be safe in such hands? men. It tramples down all those rights | The peculiar qualities which should | fathers and the rights of our children. in which the essence of liberty consists, characterize any people who are fit to deand which a free government is always cide upon the minagement of public most careful to protect. It denies the affairs for a great State have seldom been tially, in the hands of negroes, is proposed Personal freedom, property, and life, if to know that they have had these quali- foundations of society have been broken assailed by the passion, the prejudice, or ties in sufficient measure to build upon up by civil war. Industry must be re orthe rapacity of the ruler, have no security this continent a great political fabric, and ganized, justice re-established, public ustice and domestic tranquility, provide have been nugatory, and Congress, in ask- whatever. It has the effect of a bill of to preserve its stability for more than credit maintained, and order brought out

> those who engaged in rebellion against the Government, but as a mode of punishment the measures under consideration are the most unreasonable that could be invented. Many of those people are perfeetly innocent; many kept their fidelity to the Union untainted to the last : many were incapable of any legal offense; a large proportion even of the persons able to bear arms were forced into rebellion against their will; and of those who are guilty with their own consent, the degrees of guilt are as various as the shades of their character or temper. But these acts one common doom. Indiscriminate vengeance upon classes, sects, and parties, or upon whole communities, for offenses committed by a portion of them against would meet with the condemnation of all unprejudiced and right-minded men .pecially of this country, does not consent in stripping whole States of their liberties and reducing all their people, without distinction, to the condition of slavery .-It deals separately with each individual, confines itself to the forms of law, and vindicates its own purity by an impartial examination of every case before a competent judicial tribunal. If this does not satisfy all our desires with regard to Southern rebels, let us console ourselves

it the subject States, and even their un-

born children. These wrongs, being

expressly forbidden, cannot be constitu-

tionally inflicted upon any portion of our

people, no matter how they may have

come within our jurisdiction, and whether

I have no desire to save from the proper

and just consequences of their great crime

place ten of the Southern States under than the gratification of any present feel- sion of the elective franchise to any new the South. I submit to the judgment of and if not diminished, will soon bring us inthe domination of military masters. If | ing. I am aware it is assumed that this | class in our country; especially, when a calm reflection shall satisfy a majority of system of government for the Southern large majority of that class in wielding the your honorable bodies that the acts re- States is not to be perpetual. It is true power thus placed in their hands cannot ferred to are not only a violation of na- this military government is to be only be expected correctly to comprehend the tional faith, but in direct conflict with the provisional, but it is through this tempo- duties and responsibilities which pertain which might by possibility impair the confict of the world in our Government.—

Constitution, I dare not permit myself to rary evil that a greater evil is to be made to suffrage. Yesterday, as it were, four dence of the world in our Government. doubt that you will immediately strike perpetual. If the guarantees of the Con- million persons were held in a condition them from the statute-book. To demon- stitution can be broken provisionally to of slavery that had existed for generations strate the uconstitutional character of serve a temporary purpose, and in a part To-day they are freemen, and are assumed those acts, I need do no more than refer only of the country, we can destroy them by law to be citizens. It cannot be preto their general provisions. It must be everywhere and for all time. Arbitrary sumed from their previous condition of seen at once that they are not authorized measures often change, but they generally servitude that as a class they are as well to dictate what alterations shall be made change for the worse. It is the curse of informed as to the nature of our Govern- stability of our institutions. The habitual in the constitutions of the several States, despotism that it has no balting-place .to control the elections of State Legisla- The intermitted exercise of its power makes our loved home his choice. In the tures, State officers, and members of Con- brings no sense of security to its subjects, case of the latter, neither a residence of gress, and electors of President and Vice for they can never know what more they five years and the knowledge of our institu-President, by authority declaring who will be called to endure when its red right | tions which it gives, nor attachment to shall vote and who shall be excluded from | hand is armed to plugue them again. Nor | the principles of the Constitution, are the that privilege, to dissolve State Legisla- is it possible to conjecture how or where only conditions upon which he can be If we repudiate the Constitution we will not tures, or prevent them from assembling, power unrestrained by law may seek its admitted to citizenship. He must prove, tionaries of States, and appoint others free may be enslaved at any moment, for thus give reasonable ground for belie! without regard to State law, to organize if the Constitution does not protect all, it that he will be faithful to the obligations States, to regulate the whole administra- edly the object of these laws to confer public. Where a people, the source of all tion of their domestic and local affairs upon negroes the privilege of voting, and political power, speak by their suffrage, to us through the Constitution, we can subjugation of the States to negro domi- principles of the Constitution inherited exercise it only through usurpation, and nation would be worse than the military from our fathers. It follows, therefore, usurpation is the most dangerous of polit- despotism under which they are now suf- that in admitting to the ballot-box a new ical crimes. By that crime the enemies fering. It was believed beforehand that class of voters not qualified for the exerof free government in all ages have work. the people would endure any amount of cise of the elective franchise, we weaken ed out their designs against public liberty military oppression, for any length of our system of Government instead of and private right. It leads directly and time, rather than degrade themselves by adding to its strengh and durability. I immediately to the establishment of abso- subjection to the negro race. Therefore yield to no one in the attachment to that North would have derived so great a profit lute rule, for undelegated power is always | they would be without a choice. Negro | rule of general suffrage which distinguishunlimited and unrestrained. The acts of suffrage was established by act of ton- es our policy as a nation, but there is a Congress in question are not only object gress, and the military officers were com- limit wisely observed hitherto which fettered by arbitrary power, which makes substance that he shall only accuse such as tionable for their assumption of ungranted | manded to superintend the process of makes the ballot a privilege and trust, and all its operations unsafe. That rich country, he supposes to be unworthy of their trust. power, but many of their provisions are in clothing the negro race with political which requires of some class a time suitconflict with the direct prohibitions of the privileges torn from white men. The able for probation and preparation, and to that a republican form of government and humanely governed, and to have the wholly unprepared by previous habits shall be guaranteed to all the States; that | protection of just laws for all their rights | and opportunities to perform the trust it no person shall be deprived of life, liber- of person or property. If it were practi- demands, is to degrade it and finally deslaw, or be arrested without a judicial ment exclusively of their own, under sumed that no political trust is better warrant, or punished without a fair trial | which they might manage their own established than that such indiscriminate before an impartial jury; that the privi- affairs in their own way, it would become and all embracing extension of popular lege of habeas corpus shall not be desied a grave question whether we ought to do suffrage must end at last in its overthrow in time of peace; and that no bill of at- | so, or whether common humanity would | and destruction. I repeat the expression tainder shall be passed even against a not require us to save them from them. of my willingness to join in any plan single individual. Yet the system of selves. But under the circumstances, within the scope of our constitutional measures established by these acts of Con- this is only a speculative point. It is not authority which promises to better the formally presented the proposition to govern gress does wholly subvert and destroy the proposed that they shall merely govern | condition of the negroes in the South by they apply. It binds them hand and foot laws, elect Presidents and members of and giving protection to all their just in absolute slavery, and subjects them to | Congress, and shape, to a greater or less | rights as freedmen, but to transfer our

> them the privilege of the bailot. Just released from slavery, it may be doubtful whether, as a class, they know more than they are directed to deposit it.

attribute of an American citizen, and that, into a wilderness. when guarded by virtue, intelligence, patriotism, and a proper appreciation of our free institutions, it constitutes the true basis of a democratic form of government, in which the sovereign power is lodged in the body of the people. A trust artificialcourse to a punishment so cruel and unjust | ly created, not for its own sake, but solely as a means of promoting the general welfare, its influence for good must necessarily depend upon the elevated character and true allegiance of the elector. It ought, therefore, to be reposed in none except those who are fitted, morally and mentally, to administer it well; for, if conferred upon those who do not justly estimate its value, and who are indifferent as to its results, it will only serve as a means of placing power in the hands of the unprincipled and ambitious, and must eventuate in the complete destruction of that liberty of which it should be the most powerful conservator. I have, therefore, heretofore

ment as the intelligent foreigner, who violation of the prescribed rules which we next victims. The States that are still in addition, a good moral character, and protects none. It is manifestly and avow. which he assumes, as a citizen of the Reto disfranchise such a number of white through the instrumentality of the ballotcitizens as will give the former a clear box, it must be carefully guarded against majority at all elections in the Southern | the control of those who are corrupt in States. This, to the minds of some per- principle and enemies of free institutions, sons, is so important that a violation of for it can only become to our political and the Constitution is justified as a means of social system a safe conductor of healthy bringing it about. The morality is always public sentiment when kept free from detalse that excuses a wrong because it pro- moralizing influences. Controlled thro' poses to accomplish a desirable end. We fraud and usurpation, anarchy and desare not permitted to do evil that good potism must inevitably follow. In the may come. But in this case, the end hands of the patriotic and worthy, our itself is evil, as well as the means. The Government will be preserved upon the blacks of the South are entitled to be well give it indiscriminately to a new class. themselves, but that they shall rule the encouraging them in industry, enlightenwhite race, make and administer State | ing their minds, improving their morals a strange and hostile power, more unlim- extent, the future destiny of the whole political inheritance to them would in my ited and more likely to be abused than country. Would such a trust and power opinion, be an abandonment of a duty which we owe alike to the memory of our their own hands, and transmit it undivided

wholly, and the federal government parhabcas corpus and the trial by jury .- | combined. It is the glory of white men at a time peculiarly unpropitious. The attainder, or bill of pains and penalties, ninety years, while in every other part of of confusion. To accomplish these ends, not upon a few individuals but upon whole | the world all similar experiments have | it would require all the wisdom and virmasses, including the millions who inhab- failed. But if anything can be proved by tue of the great men who formed our inknown facts, if all reasoning upon evi- stitutions originally. I confidently believe dence is not abandoned, it must be ac- that their descendants will be equal to the knowledged that in the progress of nations arduous task before them, but it is worse negroes have shown less capacity for than madness to expect that negroes will government than any other race of people. perform it for us. Certainly we ought not No independent government of any form to ask their assistance until we despair of has ever been successful in their hands. our own competency. There is a great On the contrary, wherever they have been difference between the two races in physleft to their own devices, they have shown | ical, mental, and moral characteristics, a constant tendency to relapse into barba- which will prevent an amalgamation or rism. In the Southern States, however, fusion of them together in one homogene-Congress has undertaken to confer upon ous mass. If the inferior obtain the ascendancy over the other, it will govern with reference only to its own interests, for it will recognize no common interests. their ancestors how to organize and regu- and will create such a tyranny as this late civil society. Indeed it is admitted continent has never yet witnessed. Also utterly ignorant of public affairs that | taught to regard as an enemy every white their voting can consist in nothing more | man who has any respect for the rights than carrying a ballot to the place where of his own race. If this continues, it must become worse and worse until all

The plan of putting the Southern States

Of all the dangers which our nation has encountered, none are equal to those ahead which must result from the success of an effort now making to Africanize half our country. I would not put the considerations of money in competition with justice and right, but the expenses incident to reconstruction, under the system adopted by Congress to as gravate what I regard as an intrinsic wrong of the measure itself. It has cost millions already, and if persisted in, will add largely to the weight of taxation already too oppressive to be borne without just complaint, and may finally reduce the treasury of the nation to a condition of bankruptcy. We must not delude ourselves. It will require a strong standing army, and probably more than two hundred millions of dollars per annum to maintain the supremacy of a negro government after it is established. The sum thus thrown away would, if properly used, form a sinking fund large enough to pay the whole national debt in less than fifteen years.

Congress whether the public credit may not be injuriously affected by a system of measvate interests, which are complicated with it, we cannot be too cautious of a policy That confidence can only be retained by carefully inculcating the principles of justice and honor on the popular mind, and by the most scrupulous fidelity to all our engagements of every sort. Any serious breach of the organic law, if persisted in for a considerable time, cannot but create fears for the bound ourselves to observe, must demoralize the people; our only standard of civil duty would be set at naught, and the sheet an chor of our political morality is lost; public conscience swings from its moorings and yields to every impulse, passion and interest. be expected to care much for mere pecuniary obligations. The violation of such a pledge as we made on the 22d of July, 1861, will assuredly diminish the market value of our edge that the national debt was created, not to hold the States in the Union, as tax payers were led to suppose, but to expel them from it and hand them over to be governed by negroes, our moral duty to pay it may seem much less clear. I say it may seem so. for I do not admit that it or any other argument in favor of repudiation can be entertained as sound, but its influence on some classes of minds may well be apprehended. The financial honor of this great commercial nation is largely indebted, and with a republican form of government, administered

such delicate texture, and the destruction of it would be followed by such an unspeakable calamity, that every true patriot must desire to avoid whatever might expose it to confiscation and the dread of negro supremacy, The Southern trade, from which the under a government of law, still languishes. and can never be revived until it ceases to be the richest in natural resources the world ever saw, is worse than lost if it be not soon placed under the protection of a free Constitution. Instead of being, as it ought to be. a source of wealth and power, it will become an intolerable burden upon the rest of the nation. Another reason for retrieving our steps will doubtless be seen by Congress in that subject. We live in a country where popular will always enforces obedience to itelf sooner or later. It is vain to think of opposing it with anything short of legal authority, backed by overwhelming force. It cannot have escaped your attention that from the day on which Congress fairly and the Southern States by military force, with a view to the ultimate establishment of ne-

by agents of a popular choice, is a thing of

gro supremacy, every expression of general it. The affections of this generation cannot understood or misunderstood in a thousand be detached from the institutions of their ancestors. Their determination to preserve their inheritance of a free government in and unimpaired to their own posterity, is too strong to be successfully opposed. Every of liberty and law, for which the American people are distinguished above all others in

How far the duty of the President, to preserve, protect and defend the Constitution requires him to go in opposing an unconstitutional act of Congress, is a very serious and important question, on which I have deliberated much and felt extremely anxious to reach a proper conclusion. Where an act has been passed according to the forms of thority, and is regularly enrolled among the public statutes of the country, Executive reparty excitement, would be likely to proluce violent collision between the respective adherents of the two branches of the government. This would be simply civil war, and civil war must be resorted to only as a last might tend to provoke it should be most honest error, and even something to perverse malice, before he will endanger the public as those which are peaceable remain open to maintain them regardless of consequences. gislative Department should pass an act, does not seem to me that any legislative even through all forms of law, to ato'ish a body can be so constituted as to insure its co-ordinate department of the Government, fitness for these functions. It is not the the in such case the President must take the ory of this government that public offices high responsibility of his office and save the are the property of those who hold them .-

life of the nation at all hazards. as plainly unconstitutional as any that can be imagined, were not believed to be within erally they are liable to be terminated a the class last mentioned. The people were the pleasure of the appointing power, which not wholly disarmed of the power of selfdefence. In all the Northern States they still had in their hands the sacred right of the ballot, and it was safe to believe that in due time they would come to the rescue of Danger to the public service comes not from their own institutions. It gives me pleasure | the power to appoint; therefore it was th to add that the appeal to our common con- the framers of the Constitution left the por stituents was not taken in vain, and that my er of removal unrestricted, while they gar confidence in their wisdom and virtue seems the Senate the right to reject all appoint

not to have been misplaced. ments what is well and publicly known that enorbe made. Whole national debt in less than fifteen years.

It is vain to kope that the negroes will maintain their ascendancy themselves without military power; they are wholly incapable been made at the pablic expense. This are

to total ruin and disgrace. Public creditors and tax payers are alike interested in an honest administration of finances, and neither class will long endure large handed robberies of the recent past. For this discreditable state of things there are several causes .-Some of the taxes are so laid as to present an irresistible temptation to evade payment. Great sums which officers may hold, will, by connivance with fraud, create a pressure which is more than the virtue of many can withstand, and there can be no doubt that open disregard of Constitutional obligations, avowed by some of the highest and most influential men in the country, has greatly weakened the moral sense of those who serve in subordinate places.

The expenses of the United States, including the interest on the public debt, are more than six times as much as they were seven years ago. To collect and disburse this vast amount requires careful supervision, as well as systematic vigilance. The system, never perfected, was much disorganized by the tenure of office bill, which has almost destroyed official accountability.

The President may be thoroughly convinced that an officer is incapable, dishonest

or unfaithful to the Constitution, but under the law which I have named his utmost endeavors will be to complain to the Senate, and ask the privilege of supplying his place with a better man. If the Senate be regarded as personally or politically opposed to the President, it is natural and not altogether unreasonable for the officer to expect that it will take his part as far as possible, and restore him to his place, and give him a tri umph over his executive superior. The officer has other chances of impunity arising from accidental defects of evidence. Under the peculiar mode of investigating it, and the secrecy of hearing it, it is not wonderful that official malfeasance should become bold in proportion as deliquents learn to think themselves safe. I am entirely persuaded the slightest danger. The great interests of that under such an irresponsible rule the the country require immediate relief from | President cannot perform the great duty as-Business in the South is paralyzed by a executed, and that it disables him most essense of general insecurity, by the terror of pecially from enforcing that rigid accountability which is necessary to the due execution of the revenue laws. The Constitution invests the President with authority to decide whether a removal shall be made in any given case. The act of Congress declares in The Constitution makes him sole judge in the premises, but the statute takes away his jurisdiction and transfers it to the Benate, and leaves him nothing but the odious and sometimes impracticable duty of becoming a prosecutor. Prosecution is to be conducted before a tribunal whose members are not, like him, responsible to the whole people, but to separate constituent bodies, and who may hear his accusation with great disfavor.

The Senate is absolutely without any known standard of decision applicable to such a case. Its judgment cannot be anticipated, for it is not governed by any rule .-Law does not define what shall be deemed a good cause for removal. It is impossible even to conjecture what may or may not be so considered by the Senate-the nature of the subject forbids clear proof. If a charge be incapacity, what evidence would support it? Fidelity to the Constitution may be

different ways by violent party men in violent party times. Unfaithfulness to the Constitution may even come to be considered meritorious. If officers be accused of dishonesty how shall it be made out? Will it be inferred from acts unconnected with pubweaker passion will disappear before the love | lic duty, from private history, or from general reputation? Or must the President await the commission of an actual misdemeanor in office? Shall he in the meantime risk the character and interests of the nation in the hands of men to whom he cannot give his confidence? Must be forbear his complaint until mischief is done and cannot be prevented? If his zeal in the public service should impel him to anticipate an overt act. must he move at peril of being tried himself for the offence of slandering his subordinate? the Constitution by supreme legislative au- In the present circumstances of the country some one must be held responsible for official delinquencies of every kind. It is exsistance to it, especially in times of high | tremely difficult to say where that responsibility should be thrown, if it is not left where it has been placed by the Constitution; but all just now will admit that the President ought to be entirely relieved from such responsibility if he cannot meet it by remedy for the worst of evils. Whatever reason of restrictions placed by law upon his actions. The unrestricted power of recarefully avoided. A faithful and conscien- moval from office is a very great one to be tions magistrate will concede very much to trusted even to a magistrate chosen by the general suffrage of the whole people, and accountable to them for his acts. It is unpeace; and he will not adopt forcible meas- doubtedly liable to abuse, and at some periures, or such as might lead to force, as long ode of our history, perhaps, has been abused If it be thought desirable and constitutional him or his constituents. It is true that cases | that it should be so limited as to make the that the blacks of the South are not only ready negroes are influenced by promises may arise in which the Executive would be President merely a common informer against regardless of the rights of property, but of confiscation and plunder. They are compelled to stand upon its rights, and other public agents, he should at least be remitted to act in that capacity before some If Congress should pass an act which is not open tribunal, independent of party politics only in palpable conflict with the Constitu- | ready to investigate the merits of every case, tion, but will certainly, if carried out, pro- furnished with the means of taking evidence duce immediate and irreparable injury to the | and bound to decide according to established I need not remind you that the exercise order will be subverted, all industry cease, organic structure of the Government; and if rules. This would guarantee the safety of of the elective franchise is the highest and the fertile fields of the South grow up there be neither judicial remedy for wrongs the accuser when he acts in good faith, and it inflicts, nor power in the people to protect | at the same time secure the rights of the themselves without the official aid of their other party. I speak, of course, with all elected defenders ;-if, for instance, the Le- proper respect for the present Senate, but it

> fe of the nation at all hazards.
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> They are given merely as a trust for the public benefit—sometimes for a fixed period ments which, in its opinion, were not fit

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